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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 542**

**FOOD**

**The Rice Products (Restriction on First Placing  
on the Market) (Scotland) Regulations 2006**

*Made* - - - - *8th November 2006*  
*Laid before the Scottish*  
*Parliament* - - - - *9th November 2006*  
*Coming into force* - - *10th November 2006*

The Scottish Ministers in exercise of the powers conferred on them by section 2(2) of the European Communities Act 1972<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:—

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Rice Products (Restriction on First Placing on the Market) (Scotland) Regulations 2006, and come into force on 10th November 2006.

(2) These Regulations extend to Scotland only.

**Interpretation**

2.—(1) In these Regulations—

“authorised officer” means a person authorised in accordance with regulation 4;

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994<sup>(2)</sup>;

“the Commission Decision” means Commission Decision [2006/601/EC](#) on emergency measures regarding the non-authorised genetically modified organism “LL RICE 601” in rice products<sup>(3)</sup> as amended by Commission Decision [2006/754/EC](#) amending Decision [2006/601/EC](#) on emergency measures regarding the non-authorised genetically modified organism “LL RICE 601” in rice products<sup>(4)</sup>;

“rice product” means a rice product that originates from the United States of America and that is of any type referred to in the table in Article 1 of the Commission Decision.

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(1) 1972 c. 68.

(2) 1994 c. 39.

(3) O.J. No. L 244, 7.9.06, p.27.

(4) O.J. No. L 306, 7.11.06, p.17.

“Regulation 178/2002” means Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety<sup>(5)</sup> as amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council amending Regulation (EC) No. 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety<sup>(6)</sup> and Commission Regulation (EC) No. 575/2006 amending Regulation (EC) No. 178/2002 of the European Parliament and of the Council as regards the number and names of the permanent Scientific Panels of the European Food Safety Authority<sup>(7)</sup>.

(2) For the purposes of these Regulations any expression used both in these Regulations and in the Commission Decision has the meaning it bears in the Commission Decision.

### **Restriction on first placing on the market of rice products**

3.—(1) No person shall first place on the market any rice product unless—

- (a) the conditions specified in Article 2.1 of the Commission Decision are satisfied in relation to that product;
- (b) official sampling and analysis carried out in accordance with Article 2.2 of that Decision demonstrates that that product does not contain genetically modified rice “LL RICE 601”; and
- (c) arrangements have been made to ensure compliance with the conditions specified in Article 2(4) of that Decision in relation to that product.

(2) Any person who knowingly contravenes the prohibition in paragraph (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 of the standard scale, to imprisonment for a term not exceeding three months or to both.

### **Enforcement**

4.—(1) Each local authority shall execute and enforce the Commission Decision and these Regulations within its area.

(2) A local authority may authorise in writing any person (whether or not an officer of that authority) to act in matters arising under these Regulations.

(3) An authorised officer shall have the same powers as an authorised officer of an enforcement authority under section 32 (powers of entry) of the Food Safety Act 1990;

(4) Each local authority shall give such assistance and information to the Scottish Ministers and the Food Standards Agency as they may reasonably request in connection with the execution and enforcement of these Regulations.

### **Recovery of Costs**

5. The costs mentioned in Article 5 of the Commission Decision shall be payable by the food business operator to the local authority and shall be recoverable by the local authority as a debt from the food business operator concerned.

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(5) O.J. No. L 31, 1.2.02, p.1.

(6) O.J. No. L 245, 29.9.03, p.4.

(7) O.J. No. L 100, 8.4.06, p.3.

### **Application of various provisions of the Food Safety Act 1990**

6.—(1) The following provisions of the Food Safety Act 1990<sup>(8)</sup> shall apply for the purposes of these Regulations with the modification that any reference in those provisions to that Act or Part of it shall be construed as a reference to these Regulations—

- (a) section 20 (offences due to fault of another person);
- (b) section 21 (defence of due diligence) with the modification that subsections (2) to (4) shall apply in relation to an offence under regulation 3 as they apply in relation to an offence under section 14 or 15 and that in subsection (4)(b) the references to “sale or intended sale” shall be deemed to be references to “first placing on the market”;
- (c) section 33 (obstruction etc. of officers);
- (d) section 35(1) to (3) (punishment of offences), in so far as it relates to offences under section 33 as applied by sub-paragraph (c);
- (e) section 36 (offences by bodies corporate);
- (f) section 36A (offences by Scottish partnerships)<sup>(9)</sup>; and
- (g) section 44 (protection of officers acting in good faith).

(2) For the purposes of these regulations the provisions mentioned in paragraph (1) shall apply to feed as they apply to food.

St Andrew’s House,  
Edinburgh  
8th November 2006

*LEWIS MACDONALD*  
Authorised to sign by the Scottish Ministers

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<sup>(8)</sup> 1990 c. 16.

<sup>(9)</sup> Section 36A was inserted by the Food Standards Act 1999 (1999 c. 28), Schedule 5, paragraph 16.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement in relation to Scotland Commission Decision [2006/601/EC](#) on emergency measures regarding the non-authorized genetically modified organism “LL RICE 601” in rice products (O.J. No. L 244, 7.9.2006, p.37) as amended by Commission Decision [2006/754/EC](#) amending Decision [2006/601/EC](#) on emergency measures regarding the non-authorized genetically modified organism “LL RICE 601” in rice products (O.J. No. L 306, 7.11.2006, p.17) (“the Commission Decision”).

These Regulations—

- (a) prohibit the first placing on the market of any “rice product” (defined in regulation 2(1)), except where it is accompanied by an original analytical report satisfying specified requirements and confirming that the product does not contain the genetically modified rice “LL RICE 601 and official sampling and analysis carried out in accordance with the Commission Decision, and set out specific requirements for split consignments up to and including the wholesale stage (regulation 3(1));
- (b) provide that a person who knowingly contravenes the prohibitions set out in the Regulations is guilty of an offence and prescribe penalties for that offence (regulation 3(2));
- (c) provide for the enforcement of the Regulations (regulation 4); and
- (d) make provision for the recovery of costs (regulation 5);
- (e) apply with modifications certain provisions of the Food Safety Act 1990 for the purposes of the Regulations (regulation 6).

No regulatory impact assessment has been prepared in relation to these Regulations.